

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

RICHARD ROGERS, individually and on  
behalf of similarly situated individuals,

*Plaintiff,*

v.

BNSF RAILWAY COMPANY,

*Defendant.*

No. 19-cv-03083

Hon. Matthew F. Kennelly

**PLAINTIFF'S MOTION FOR LEAVE TO FILE  
BRIEF IN EXCESS OF FIFTEEN PAGES**

Plaintiff Richard Rogers, through his undersigned counsel and pursuant to Local Rule 7.1, respectfully moves this Honorable Court for entry of an Order granting him leave to file *Plaintiff's Response in Opposition to Defendant's Renewed Motion for Judgment as a Matter of Law and Motion for a New Trial or to Alter or Amend Judgment* ("Opposition") in excess of fifteen pages.

In support of this Motion, Plaintiff states as follows:

1. On November 9, 2022, Defendant filed its Renewed Motion for Judgment as a Matter of Law and Motion for a New Trial or to Alter or Amend Judgment ("Motion"). Dkt. 235.
2. On January 27, 2023, Plaintiff will be filing his Opposition to Defendant's Motion.
3. Local Rule 7.1 provides that, absent leave of court, briefs in support of or in opposition to any motion are limited to fifteen pages. However, in order to adequately brief the multiple complex issues raised in Defendant's Motion, including an explanation and analysis of the evidence presented at trial and of the numerous pre-trial motions and rulings, as well as post-trial analysis of the judgment entered by the Court, Plaintiff believes it will be necessary to submit a brief in excess of fifteen pages.

4. Accordingly, Plaintiff seeks leave to file an Opposition to Defendant's Motion of no more than 25 pages in length.

5. Plaintiff requests leave to file this brief in excess of fifteen pages in good faith and not for any wrongful purposes.

WHEREFORE, Plaintiff Richard Rogers respectfully requests that this Court enter an Order granting Plaintiff leave to file an Opposition to Defendant's Motion of no more than 25 pages in length.

Dated: January 27, 2023

Respectfully submitted,

RICHARD ROGERS, individually and on behalf  
of a class of similarly situated individuals

/s/ Brendan Duffner  
One of Plaintiff's Attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 27, 2023, I caused the foregoing to be filed with the Court using the Court's electronic case filing system, which will send an electronic copy to all counsel of record.

/s/      Brendan Duffner